

# THE PLYMOUTH TRIBUNE

Recorders' Office Feb. 26

VOLUME VIII

PLYMOUTH, INDIANA, THURSDAY, FEBRUARY 4, 1909.

NO. 18

## RESTRAINING ORDER AGAINST COMMISSIONERS DENIED BY JUDGE BERNETHA

Rules that Plaintiffs May Take Appeal from Decision of Board—Election Will Be Set Tomorrow.

At 3:00 o'clock Tuesday afternoon word was received in this city, that Judge Harry Bernetha at Rochester, had denied the petition of Fred Shoemaker, by Chas. Kellison his attorney, for a temporary restraining order against the Marshall County Board of Commissioners to prohibit that body from calling a local option election in Marshall county. The reasons for the decision are given, that said petitioner has the right of appeal from the decision of the said board of commissioners, should they call such election, and said appeal is a sufficient reason for the denial of petition for restraining order.

### Petition Made Monday Night.

The petition for a restraining order against the Commissioners of Marshall county was made before Judge Bernetha at Rochester Monday night. Attorney Charles Kellison argued the case before the judge. Notice that such proceedings had been begun, was served on the commissioners, at 5:00 o'clock Monday evening.

## THE STORY OF A BRACELET

WOMAN WILL APPEAL TO CIRCUIT COURT OVER \$200 BAND.

Was Worn Eight Years by Girl and Then Demanded—Won Replevin Suit.

The story of a gold plated bracelet, originally valued at \$200 through eight long years of its history, and a fight for the possession of the self same bracelet was told in Justice Young's court Friday afternoon. Young's court yesterday afternoon. Seemingly the value of the gold plated bracelet itself was not the cause of contention, but rather a fight for principle, and for the right, etc., etc. What made the contention more interesting was the fact that the real suit was between members of one family, involving sister, brother, and wife, and a small girl aged sixteen, who by the way was the wearer of the above mentioned bracelet for eight years. The end of the eight years came only the other day, when for mysterious and unknown reasons, the wife demanded the bracelet of the girl, maintaining that the jewelry was hers. The girl gave up the bracelet, but on second thought wished she hadn't, and forthwith through an attorney, brought suit against the woman, to replevin the bracelet.

### History of the Bracelet.

In the year of Our Lord, 1901, being eight years ago, there lived in the village of Inwood, a man by the name of Fred Bell. He had a wife and sister Maud, who are concerned in the case. One day in that year, Miss Maud Bell saw fit to make a present of a gold-plated bracelet to a school girl friend, whose name is Miss Maud Davidson. The small girl was extremely grateful for the remembrance, and wore the piece of jewelry constantly from that time on. Whether in school, in church, at home or at play, Maud kept her one piece of jewelry, and was proud of it. Her possession of the bracelet was unquestioned for eight long years, which however seemed short enough for a girl with a gold bracelet. But to, one day the rude shock came. Mrs. Bell after eight years of deliberation concluded that the bracelet had belonged to her in the first place, and accordingly after her mind was thoroughly made up, went to the Davidson girl, and told her that she believed the bracelet was originally one of a pair which she owned. The remaining bracelet was brought and compared with the one worn by the Davidson girl, and they corresponded exactly. The girl was convinced and turned over her treasure to Mrs. Bell. After a few days the girl grieved so much for her gold bracelet, that she brought suit against Mrs. Bell to replevin her bracelet, maintaining that the jewelry was not the property of Mrs. Bell at all.

### What the Justice Thought.

Well Justice Young thought exactly as did the Davidson girl, after he heard the evidence. Friday afternoon, and decided that Mrs. Bell should turn over the jewelry. Whereupon that lady gave notice that she would take an appeal to the Circuit Court of the great county of Marshall, and see if she could not gain a quiet title to the possession of the aforementioned \$200 gold bracelet. Attorney A. E. Wise represented the Davidson girl, and E. C. Martindale was attorney for the defendant.

### Fire Company to Banquet.

The Hook and Ladder company, of the Plymouth Fire Department, held an annual banquet at VanCuren's restaurant, at 6:30 o'clock, Tuesday evening, after which the company held their regular meeting, and installed new officers for this year.

## ATTEND MFG'S MEETING.

Plymouth Men Attend Banquet at Indianapolis Friday Evening—Ex-Gov. Durbin Toastmaster.

Messrs. C. S. Cleveland, A. M. Cleveland and H. S. Marvin of the Edgerton Mfg. Co., of Plymouth, attended the Manufacturing Meeting and banquet at Indianapolis Friday afternoon and evening.

The meeting was held at Columbia club at 3:00 o'clock and the banquet was at 6:30. There were 125 manufacturers of Indiana, present. Ex-Governor Durbin presided as toastmaster. The principal speakers were Dr. W. E. Stone, President of Purdue University, and Congressman J. F. McCleary of Minnesota. A ten-course banquet was served. This was the third annual convention and banquet of the Manufacturers' Bureau of Indiana.

### Teachers Taking Examination.

The first teachers examination of the year was held at the Washington school building in this city Saturday. A large number of teachers and prospective teachers were in attendance.

### Tyson-Bentley

Benjamin Tyson son of Lawson Tyson, and Tessie B. Bentley daughter of Mrs. Charles Bentley, were married in the County Clerk's office by Rev. E. Miller Monday afternoon. Both are residents of Plymouth.

## FORMER BOURBON BOY ELOPES

DEWARD SPENCER IS FINALLY CAPTURED AT FARM NEAR NAPPANEE.

Ran Away With Miss Blanche Buck—Boy is Well Known Here.

Blanche Buck and Deward Spencer, the runaway Elkhart youths, who left that city together Friday night were taken into custody late Tuesday at the farm home of Charles Gwin, one mile south of Nappanee.

Fear of parental censure after she had remained out late with the young man, visiting the theatre and picture shows, is declared by Miss Buck to have put the runaway notion into her mind.

Miss Buck and the Spencer boy were brought back to Elkhart in an automobile, arriving at 11 o'clock Wednesday forenoon.

They had been tramping over the country since leaving Elkhart, representing themselves as brother and sister. They told a hard luck story to farmers who took them in, and represented themselves as Blanche and Deward Spencer.

The youthful runaways were given rooms in the Gwin farmhouse, where they were aroused from their slumbers at a late hour Tuesday night and taken into custody by Marshal Geo. Weyburn of Nappanee. The youngsters were bundled into a buggy, taken to Nappanee and locked in rooms at a hotel to await instructions from the Elkhart police.

"When I went out to do the errand for my mother," said Miss Buck, speaking of the night of her disappearance from the city, "I met Deward and we visited all the shows. I hardly realized that time was going so fast and before we were aware of it the hour had grown so late that I was afraid to go home. I then suggested that we should walk to Chicago, where I would go to the home of my aunt and then write to the folks at home to forgive my conduct."

"We walked out into the country and kept tramping until daylight. Then we stopped at some farmhouse near Goshen. Under cover of the next night we started out again and passed right through the streets of Goshen. We continued to walk about the country, stopping Sunday, Monday and Tuesday nights at farmhouses. The people were very kind to us when we told them we were brother and sister and were trying to reach the home of relatives in Chicago. Sometimes we told them we were going to Fort Wayne."

Young Spencer had very little to say of the matter. He preferred to let the girl do the talking. At Millford Junction they quarreled over the proposition as to whether they should return to Elkhart or go on.

Young Spencer formerly lived in Bourbon, Ind., and is well acquainted there.

### Team Passes Through.

The Culver High School basketball team passed through this city Saturday morning enroute to Winona where they played the academy team Saturday afternoon. The Culver team with substitutes is composed of Messrs. Cecil Grayson, Austin Lowry, Arthur Dillon, Geo. Crossland, Frank Sparks, Holice Rollins, and Russell Stahl.

### Church Report Read.

At St. Michael's Catholic church Sunday, the annual financial report was read. A balance on hand of \$13,000 is shown for the beginning of this year. During the past year, over \$1800 was netted to the church. The members expected to raise the church fund \$2000 during the coming year. The congregation has in mind the building of a \$30,000 new church, in the future.

## PLYMOUTH STRUCK BY BLIZZARD

FALL OF THE BEAUTIFUL PILES UP INTO IMPASSABLE DRIFTS.

Railroad Trains All Late, Telephone Lines Down—Strong Northerly Wind Piles Up More Snow.

Plymouth is in the heart of a good old-fashioned blizzard. Blizzard? Well you bet. The front phalanx hit this city Thursday afternoon at about 3:00 o'clock, and consisted of wet snow flurries. A quick how followed, leaving a couple inches of slush on the sidewalks, and glory be—when we awoke Saturday morning, and tried to go down town, we found ourselves cooped in, in fact almost snowed under. With a foot of snow in shallow parts, and from four to six feet of snow in the drifted parts we were the closest to being snowed under, that we have been for two years. A brisk northwest wind, with constant snowing has prevailed all day, and four feet of snow would not surprise us. The drifts are the greatest nuisances, and as fast as the walks can be cleaned, they drift shut again. My isn't it most provoking, and we have soaked our overcoat, and during the balmy weather of last week, were even contemplating changing to summer underwear. So much for the fickleness of the climate.

### Telephones Are Out.

The heavy snow is putting in its damaging effects. Many of the local telephone lines are down, and can not be repaired until the snow ceases drifting. A few of the telegraph wires are also out.

As is always the case with heavy snow storms, the worst effects are felt by the railroads. Almost every train coming into Plymouth, from 9:00 o'clock this morning has been from thirty to ninety minutes late. The Pennsylvania railroad kept a gang of thirty men from this city, working all night to keep the right of way clear.

### Hard on the Poor.

The poor of the city will be heavy sufferers under the storm abate. The recent organization of a City Board of Charities has proven most opportune, and the committee says that, to relieve most of the suffering. The council hall will be opened some day next week to receive donations from the public, in the form of clothing and provisions.

### Illinois Storm Bound.

Converging on Chicago from across the Oklahoma and Nebraska prairies, driven by a 90-mile gale and leaving half-starved livestock buried in its drifts and from the northwest, bringing sleet and snow, killing telegraph and telephone service and demoralizing freight and passenger train schedules, the worst storm of the winter is general throughout the middle west and all indications are that it will prove the worst blizzard of recent years.

From LaCrosse, Wis., came the report that passenger train No. 23 on the Southern Minnesota division of the Chicago, Milwaukee and St. Paul had been stuck in a snowdrift west of Jackson, Minn., since 10:30 last night and its passengers and crew were without food and with but a scant supply of fuel, with no immediate prospect of relief reaching them. The train was composed of lay coaches without a diner, and had many passengers.

### Severe on the Lakes.

Meagre reports from lake ports indicate that the storm of last night was one of the severest in years on Lake Michigan, and there is much anxiety over all vessels overdue. The steamship City of Marquette was blown into shelter in Waukegan, Ill., after a terrifying experience with the waves. Only desperate efforts at the pumps on the part of the crew of 3 men kept the craft afloat. Her boilers were nearly submerged and she was about to sink when the gale swept her into quiet waters. The carrier Pere Marquette, No. 2, bound across the lake from Milwaukee to Milwaukee with several passengers, was unable to make Milwaukee, although at one time near that harbor, and rode before the gale across the lake again, putting in at Grand Haven, Mich.

### Dances Friday Evening.

Two dances held forth in Plymouth Friday evening, and because of the stormy weather neither was well attended. Twenty-three couples attended the dance given by the Hoosier Kids' Club at the K. of P. Hall. A number of out of town guests were present. Phil's Orchestra of Notre Dame furnished excellent music. After the dance an excellent banquet was served at VanCuren's restaurant.

The dance given by Percival Kemp at Kuhn's hall, was attended by about fifteen couples. Music was furnished by Messrs. Orade Haugan, Homer Huph and Theodore Hans.

### Report of Recorder.

The report for the County Recorder's office for the month of January is as follows: Number of Deeds Recorded 118 Number of Mortgages recorded 78 Number of Releases Recorded 28 Number of Cancellations recorded 43 Total income of office during the month, \$236.50

## FIX COUNTY SALARIES.

Bill Would Give Auditor of Marshall County \$3000 Per Year.

A bill introduced by Senator Mattingly provides that all fees collected by county officers with the exception of the \$2 per diem for county clerks and county sheriffs who attend court, shall go into the public fund and that with the exceptions named no fees shall be paid to county officers. The measure also requires that county commissioners give bonds. Further, it fixes the salaries of clerks, auditors, sheriffs, recorders and county commissioners in all of the counties of the State and stipulates the amount of the bond which shall be furnished by the county commissioners in each county. Another slight change is that the fee for recording deeds would be reduced from \$1 to 75 cents. The bill, according to its provisions, would become effective as a law January 1, 1910.

Senator Mattingly has been working on the bill for several weeks and has made investigations as to the duties and responsibilities of the officers in the different counties. He believes the distribution of salaries provided for in his bill would be fair.

The salaries provided for the officers of Marshall county are as follows: Clerk, \$2,400; auditor, \$3,000; sheriff, \$2,200; recorder, \$1,500; commissioner, \$400; commissioner's bond, \$4,000.

## EPISCOPAL DEBT ALL PLEDGED

SUCCEEDED IN RAISING SUBSCRIPTIONS TO THE SUM OF \$170.

Contributions Were All Made on Condition that the Total Amount Be Secured.

The people of St. Thomas Episcopal Church are certainly to be congratulated in the happy event of having the entire amount of their indebtedness on their new church pledged to be paid within the next six months.

This happy prospect was due primarily to the generous offer of Mr. D. E. Snyder to contribute \$2000 for this purpose if the rector would raise the balance. All pledges were conditional upon the whole amount being subscribed. The rector, Rev. W. S. Howard had a hard task ahead of him, but went bravely at it with his usual push and confidence, and at the vestry meeting Thursday turned in enough subscriptions to cover the indebtedness of \$1670. He still has the task of raising enough more to provide for the interest that will be payable before the payments all are due, and to provide for a possible shrinkage in pledge payments. He does not feel that the latter will be very large however, as only 3 and 1-2 per cent failed on the original building pledges. The first half of the pledges are due Monday to be paid at the Plymouth State Bank, and the second half are due June 1st next.

### ANNUAL BANQUET.

Mr. and Mrs. J. W. Parks Entertain Officers and Teachers of M. E. Sunday School.

Superintendent and Mrs. J. W. Parks gave their annual 6 o'clock dinner to the teachers and officers of the Methodist Sunday School at their home on Sophia street Friday evening. Notwithstanding the inclemency of the weather, almost all were present.

After the elaborate three course dinner, served by a half dozen young ladies, the following topics were discussed: The Social Life of the Sunday School, Mrs. Tyra Southworth; Reverence in the Sunday School, Miss May Swindell; The Bible in the Sunday School, Mrs. S. E. Boys; The Teachers' Meeting, Dr. Loring; The Intermediate and Junior Department, Mrs. Bussard; Our Primary Department, Miss Ida Haines; Music in the Sunday School, Mr. Seybold; The Relation of the Sunday School to the Church, Rev. Wareing.

A teachers' training class was arranged for, to be held once a month and to be in charge of Rev. Wareing. The following were present: Misses Ola Boyce, Mildred Drake, Ella Manuwal, Lyle Morris, Mamie Kolby, Mary Southworth, May Swindell, Bertha Seybold, Frances Marks, Ida Haines, Alice Hallock, Mesdames C. C. Durr, Samuel Schlosser Harry Kilmer, Frank Southworth, S. E. Boys, Hoy Singrey W. E. League, Caroline Garrett, C. W. Metsker, Frank Bussard, Mr. and Mrs. H. A. Shambaugh, Mr. and Mrs. Ben Seybold, Dr. and Mrs. Loring, and the Messrs. Glen Seybold, Francis Hodgson, Bert Firestone, Glen McLaughlin, John Southworth and Paul Singrey.

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## DERBY GETS 38 DAYS IN JAIL

IS FOUND GUILTY OF DEFRAUDING A BOARD BILL IN THIS CITY.

Case Had Been Continued Three Times—Defrauded Grand Hotel for \$232.

The evidence in the case of State of Indiana versus, Edward B. Derby, for defrauding a board bill, was heard in Justice Young's court Monday morning, after which a continuance was taken by the defense until Tuesday afternoon.

The argument of attorneys was heard Tuesday afternoon, after which Justice Young found the prisoner guilty of the charge, and fined him \$25, and costs, amounting to \$37.85. Derby was unable to pay, and went to jail to "lay it out."

The evidence supported the outline of the case, published in the Tribune a couple of weeks ago, when Derby was arrested, and brought from Chicago, to answer the charge of defrauding a board bill at the Grand Hotel, last summer.

Andrew J. Bowell was the first witness. He testified that Derby came to the Grand Hotel on January 1, last year, and registered on the book, as a guest of the hotel. After he had remained there for eleven days, he was joined by his wife.

The landlord made the couple a rate of \$2.50 per day. During their stay, which lasted until the middle of May, two payments were made, one in the middle of January and the other in February. Derby, he found out, was in the city selling a patented inhaler for cure of asthma. Later he became involved with a local manufacturer of medicines, with whom he attempted to organize a stock company. The board of the couple continued unpaid, and Mr. Bowell asked for a settlement. Derby put him off from day to day, saying that he had money coming from the east. Finally about the first of May, Derby showed up, a letter written from Youngstown, Ohio, on the letter head of a Specialty Company, in which money was promised to Derby, for a share in said company, the money to be forwarded in a few days. The day after receiving the letter, Derby borrowed \$8 from Bowell, and went to Valparaiso, where he attempted to sell fountain pens. He returned in a day or two, borrowed \$5 more from the hotel clerk, embarked for Chicago, and was not again heard from until it was learned that he was in jail in Chicago. The board bill remained unpaid. Mrs. Derby, through a letter to the chief of police at Chicago, learned that her husband was in the Chicago jail. Bowell said that he had been depending on the money supposedly due from the east, for the payment of his bill. The total bill owed by Derby, when he decamped was about \$247 Mrs. Derby paid \$15 to Mr. Bowell, reducing the total amount due to \$232. The wife remained three weeks longer at the hotel, for which no charge was made. During Derby's entire stay at the hotel he used Mr. Bowell's typewriter, a fact upon which, some of the later evidence depends.

The next witness was Wm. G. Hendricks, publisher of the Plymouth Tribune. He testified that the letter head on which the letter was written from Youngstown, Ohio, to Derby, promising the latter money, was printed in the Tribune office, for Derby.

The state here rested, and the defense offered no witnesses. Upon motion of the defense, the case was further continued until Tuesday afternoon, at 1:00 o'clock, when the argument was heard and the decision given. The defense maintained that no fraud was proved, that it was not shown whether or not Derby did receive any money from the east, since he was arrested in Chicago, before he had time to return and pay his board bill at the Grand Hotel.

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